

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 20, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: DEAN AUSILIO
ROGER KRZEMINSKI
KENNETH MEERSCHAERT, SR.
JOA PENZIEN
ARNOLD THOEL

ABSENT: None.

ALSO PRESENT: Jerome R. Schmeiser, Community Planning Consultant
Larry Dloski, Township Attorney
(Additional attendance on file with Clerk)

Call Meeting to Order.

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call.

Clerk KOEHS called the Roll. All members present.

2. Approval of the Agenda Items. (with any corrections)

MOTION by AUSILIO seconded by KRZEMINSKI to approve the agenda as presented.

MOTION carried.

3. Approval of the January 6, 2004 previous Meeting Minutes.

MOTION by KRZEMINSKI seconded by PENZIEN to approve the January 6, 2004 meeting minutes.

MOTION carried.

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4. Site Plan for Lot 30 of Erb Industrial Park; Located on the northwest corner of Gratiot and Erb Drive; Odessa Builders, Petitioner. Permanent Parcel No. 08-36-278-005.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Public Portion: None.

Petitioner Present: Richard Burgett of Odessa Builders

MOTION by AUSILIO seconded by PENZIEN to approve the Site Plan for Lot 30 of Erb Industrial Park, subject to the Planning Consultants recommendations, to obtaining a variance for the 4' setback between the parking area and property line, and receiving the necessary approvals for that portion of the land located in Chesterfield Township. This motion is based upon the Planning Consultants recommendations as follows:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes and other geometrics and designs are subject to approval by the Macomb County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.

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6. **Light fixtures or light standard must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**
7. **That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall constructed on a continuous foundation and be secured with screened gates. The “hung” type wall that is with panels hung on channeled pillars shall not be allowed. All walls to be constructed with a pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.**
8. **An acceptable method of surety, such as a corporate surety bond or cash bond, in the amount to be determined by the Township Engineer be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/ Sewer Department.**
9. **That handicap parking be provided per the requirements of the State and ADA (American Disabilities Act).**
10. **That all signs be designated on the site plan and meet the Township requirements.**
11. **That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding flood plains and/or wetlands to determine any building limitations.**
12. **MDEQ-That specific conditions and approvals regarding changes to the 100 year flood plain be done with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment of the flood plain map as prepared by FEMA, prior to the issuance of any building permits.**
13. **That any required wall or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The “hung” type wall, which is with panel hung on channeled pillars, shall not be allowed.**

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14. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the Macomb County Drain office.
15. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office.
16. That any future splitting and/or division of any property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
17. That in the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
18. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
19. That all requirements of the Zoning Ordinance be met.
20. That if the matter being considered is a revised site plan or technical change then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether noted on the plan herein presented or not, to remain in full force and effect.
21. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed buildings.
22. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.
23. Given that the plan involves an industrial use, that the petitioner be made aware of the zoning ordinance requirements for parking. The plan is approved based upon the square footage of the total building. In the event the petitioner divides the building, either for tenants or in a condominium fashion, then a revised plan must be submitted to the Planning Commission for the review for compliance with the parking requirements of the zoning ordinance. Should the building be divided as noted above, then the plan must provide for parking based upon the industrial unit or units created by the division of the building.

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Further, that the uses planned for the building be industrial as shown on the site plan. If the uses are changed, from those upon which the parking requirements were based upon the industrial standard which is the least amount of parking required by the Township zoning ordinance.

- 24. That the plan indicate the 4' setback along the north property line.**
- 25. That the petitioner apply for and receive a variance for the required 4' setback along the parking area setback.**
- 26. That the plan be revised to indicate that the drive along the south elevation line up with the drive on the south side of Erb Drive.**
- 27. That the Township of Chesterfield approves the site plan for continuity of circulation on site.**

MOTION carried.

5. Tentative Preliminary Plat; Portofino Villas Subdivision; Located on the west side of Card Road, ½ mile north of 23 Mile Road; Prestwick Enterprises, Petitioner. Permanent Parcel No. 08-15-426-004.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Public Portion: None.

The members of the Board, Community Planning Consultant and Township Attorney held further discussion with the petitioner regarding the proposed landscape plan not being in compliance with the Township Land Division Ordinance, Detroit Edison Easement issues, signage indicated in the right-of-way of Pine Cone Drive, and pedestrian paths along Card Road and Pinecone Drive.

Petitioner Present: Raj Khatri of RK Engineering & Surveying Associates, Inc.

MOTION by KOEHS seconded by KRZEMINSKI to table at the petitioners request the Tentative Preliminary Plat; Portofino Villas Subdivision; Parcel No. 08-15-426-004.

MOTION carried.

6. Site Plan for TCF Bank; Located on the south side of 23 Mile Road and 441' east of Card Road; Robert Griffore, Petitioner. Permanent Parcel No. 08-23-100-025.

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Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Public Portion: None.

Petitioner Present: Michael Rein of Bower & Rein Associates

The members of the Board further discussed issues regarding the Cross Easement Agreement.

MOTION by KOEHS seconded by KRZEMINSKI to approve the Site Plan for TCF Bank; with the conditions that the Township Attorney review and approve the Cross Easement Agreement that will include the southeast corner of the property as discussed. This motion is based upon the Planning Consultants recommendations as follows:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.

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8. An acceptable method of surety, such as a corporate surety bond or cash bond, in the amount of \$249,238.75 as approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
10. That all signs be designated on the site plan and meet the Township requirements.
11. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
12. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
13. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
14. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
15. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
16. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
17. That in the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.

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18. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
19. That all requirements of the Zoning Ordinance be met.
20. That if the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
21. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
22. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.
23. That the petitioner submit a Cross Access Agreement which must include the southeast corner of the site. This Agreement must be reviewed and approved by the Township Attorney and recorded with the Macomb County Register of Deeds.

Based on the approval granted by the Township Planning Commission on January 20, 2004, final engineering plans may be submitted to the Township Water and Sewer Department. The above approval confers no right to land balancing, installation of any utilities, curb cuts, foundations, footings, or construction of any kind. The next step in the process is to submit the engineering plans to the Water and Sewer Department.

Upon receipt of the following, the Building Department and Water/Sewer Department will be notified that construction and building permits may be issued:

- Notification from the Township Consulting Engineer that the engineering plans have been approved.
- That the required bond as indicated in item no. 8 above has been posted.
- That a Cross Access Agreement has been reviewed and approved by the Township Attorney.

A site plan approval shall be valid for one year after the date of approval. If a valid building permit has not been obtained and construction started within one (1) year from the Planning Commission approval of January 20, 2004, the approval becomes null and void unless renewed or extended by a specific Planning Commission action. If approval is not extended before January 20, 2005 then a new application and a new approval shall be required before a building permit may be issued.

MOTION carried.

7. Site Plan for Lakeside Industrial Building; Located east of Hayes Road and approximately 1000' north of 22 Mile Road; Boulder Construction, Petitioner. Permanent Parcel No. 08-19-300-013.

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Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Public Portion: None.

Petitioner Present: Lorenzo Cavaliere representing Boulder Construction

MOTION by KOEHS seconded by MEERSCHAERT to approve the Site Plan for Lakeside Industrial Building; with the condition that the 7' pedestrian path located on the eastside of the building be completed in compliance with the Township Zoning Ordinance requirements. This motion is based upon the Planning Consultants recommendations as follows:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.

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7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in the amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
10. That all signs be designated on the site plan and meet the Township requirements.
11. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
12. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
13. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
14. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
15. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The

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petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.

- 16. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.**
- 17. That in the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.**
- 18. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.**
- 19. That all requirements of the Zoning Ordinance be met.**
- 20. That if the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.**
- 21. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.**
- 22. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.**
- 23. Given that the plan involves an industrial use, that the petitioner be made aware of the zoning ordinance requirements for parking. That the plan is approved based upon the square footage of the total building. In the event the petitioner divides the building, either for tenants or in a condominium fashion, then a revised plan must be submitted to the Planning Commission for review for compliance with the parking requirements of the zoning ordinance. Should the building be divided as noted above, then the plan must provide for parking based upon each individual unit or units created by the division of the building.**

Further, that the uses planned for the building be industrial as shown on the site plan. If the uses are changed, from those upon which the parking requirements were based, then additional parking facilities must be provided on the site since the parking provided was based upon the industrial standard

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which is the least amount of parking required by the Township Zoning Ordinance.

24. Revised plans be submitted showing a 7 foot sidewalk along the east side of the building.

Based on the approval granted by the Township Planning Commission on January 20, 2004, final engineering plans may be submitted to the Township Water and Sewer Department. The above approval confers no right to land balancing, installation of any utilities, curb cuts, foundations, footings, or construction of any kind. The next step in the process is to submit the engineering plans to the Water and Sewer Department.

Upon receipt of the following, the Building Department and Water/Sewer Department will be notified that construction and building permits may be issued:

- Notification from the Township Consulting Engineer that the engineering plans have been approved.
- That the required bond as indicated in item no. 8 above has been posted.
- That revised plans be submitted showing the 7 foot sidewalk along the east side of the building.

A site plan approval shall be valid for one year after the date of approval. If a valid building permit has not been obtained and construction started within one (1) year from the Planning Commission approval of January 20, 2004, the approval becomes null and void unless renewed or extended by a specific Planning Commission action. If approval is not extended before January 20, 2005 then a new application and a new approval shall be required before a building permit may be issued.

MOTION carried.

8. Motion to receive and file all correspondence in connection with this agenda.

MOTION by AUSILIO seconded by PENZIEN to receive and file all correspondence in connection with the January 20, 2004 agenda.

MOTION carried.

PLANNING CONSULTANT COMMENTS: None.

BOARD COMMENTS: None.

ADJOURNMENT:

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MOTION by PENZIEN seconded by KOEHS to adjourn the meeting at 7:58 P.M.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, Secretary

Minutes prepared by: Michael D. Koehs, Township Clerk
MDK/gmb